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**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF UTAH**

RICHARD FROST

Plaintiff,

vs.

RANDALL L. SKEEN, SKEEN &  
ROBINSON LLC FKA SRL &  
ASSOCIATES, INC., URG UNITED  
RECOVERY GROUP, INC., MOUNTAIN  
LAND COLLECTIONS, INC., QUINN M.  
KOFFORD, QUINN M. KOFFORD, P.C.,  
AMBER DAVIS, ROY TRAWICK,  
EQUIFAX INFORMATION SERVICES,  
LLC,,

Defendants.

**ANSWER**

Civil No. 2:11-cv -00533

Honorable Bruce S. Jenkins

Defendant Equifax Information Services LLC ("Equifax"), by Counsel, hereby files its answers and defenses to Plaintiff's Complaint.

**ANSWER**

In answering the Complaint, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations contained in the headings and/or unnumbered paragraphs in the

Complaint. In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax responds as follows:

1. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, but does not object to jurisdiction in this Court.

2. Responding to the allegations contained in Paragraph 2, Equifax denies that it engaged in actions that caused harm to plaintiff. Equifax admits that it does business in Utah. Equifax is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 2, but does not object to jurisdiction in this Court.

3. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3.

4. Upon information and belief, Equifax admits the allegations contained in Paragraph 4.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5.

6. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6.

7. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7.

8. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9.

10. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10.

11. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11.

12. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12.

13. Equifax admits the allegations contained in Paragraph 13.

14. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14.

15. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence in Paragraph 15. Equifax denies the remaining allegations contained in Paragraph 15 as they pertain to Equifax.

16. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16.

17. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17.

18. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18.

19. Equifax denies the allegations contained in Paragraph 19 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 19.

20. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20.

21. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21.

22. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22.

23. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23.

24. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24.

25. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25.

26. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26.

27. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27.

28. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28.

29. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29.

30. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30.

31. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31.

32. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32.

33. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33.

34. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34.

35. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35.

36. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36.

37. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37.

38. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38.

39. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39.

40. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40.

41. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41.

42. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42.

43. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43.

44. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45.

46. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46.

47. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47.

48. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48.

49. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49.

50. Equifax denies the allegations contained in Paragraph 50 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 50.

51. In response to the allegations contained in Paragraph 51, defendant Equifax states that it received several dispute letters from plaintiff regarding Mountain Land Collections/Trawick. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 51.

52. In response to the allegations contained in Paragraph 52, defendant Equifax states that upon receipt of Plaintiff's dispute it conducted an investigation which included contacting

Mountain Land. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 52.

53. In response to the allegations contained in Paragraph 53, Equifax states that the provisions of the FCRA speak for themselves. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 53.

54. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54.

55. In response to the allegations contained in Paragraph 55, Equifax states that Mountain Land Collections verified the accuracy of the disputed account during each reinvestigation.

56. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56.

57. In response to the allegations contained in Paragraph 57, Equifax states that it received the referenced letter dated December 3, 2010.

58. In response to the allegations contained in Paragraph 58, Equifax states that it sent a request to Mountain Land to review its account information as part of the reinvestigation. Equifax denies the remaining allegations contained in Paragraph 58.

59. Equifax admits the allegations contained in Paragraph 59.

60. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60.

61. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61.

62. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62.

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63.

64. In response to Paragraph 64 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

65. Equifax denies the allegations contained in Paragraph 65.

66. Equifax denies the allegations contained in Paragraph 66.

67. Equifax denies the allegations contained in Paragraph 67.

68. Equifax denies the allegations contained in Paragraph 68.

69. Equifax denies the allegations contained in Paragraph 69 and denies that Plaintiff is entitled to any of the relief set forth in Paragraph 69.

70. In response to Paragraph 70 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

71. Equifax denies the allegations contained in Paragraph 71.

72. Equifax denies the allegations contained in Paragraph 72 and denies that Plaintiff is entitled to any of the relief set forth in Paragraph 72.

73. Equifax denies the allegations contained in Paragraph 73.

74. Equifax denies the allegations contained in Paragraph 74.

75. Equifax denies that Plaintiff is entitled to any of the relief set forth in Paragraph 75. Equifax admits that Plaintiff demands a trial by jury.

76. In response to Paragraph 76 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.



77. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77.

78. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78.

79. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79.

80. Equifax denies the allegations contained in Paragraph 80 as they pertain to Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 80.

81. In response to Paragraph 81 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

82. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82.

83. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83.

84. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84.

85. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85.

86. In response to Paragraph 86 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

87. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87.

88. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88.

89. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89.

90. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90.

91. Equifax denies that Plaintiff is entitled to any of the relief set forth in Paragraph 91.

92. In response to Paragraph 92 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

93. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 93.

94. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94.

95. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95.

96. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96.

97. Equifax denies that Plaintiff is entitled to any of the relief set forth in Paragraph 97.

98. In response to Paragraph 98 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

99. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99.

100. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100.

101. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101.

102. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102. Equifax admits that Plaintiff requests a trial by jury.

103. In response to Paragraph 103 of Plaintiff's Complaint, Equifax reasserts and re-alleges its responses and defenses as set forth above.

104. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104.

105. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105.

106. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106.

107. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107.

### **DEFENSES**

Without assuming the burden of proof where it otherwise rests with Plaintiff, Equifax pleads the following defenses to the Complaint:

### **FIRST DEFENSE**

As a defense, Equifax asserts that Plaintiff's Complaint fails to state a claim against Equifax upon which relief can be granted.

**SECOND DEFENSE**

At all times relevant herein, Equifax maintained reasonable procedures in its handling of Plaintiff's consumer credit file.

**THIRD DEFENSE**

Equifax has acted in good faith and without malice or intent to injure Plaintiff.

**FOURTH DEFENSE**

Equifax's publication of information about Plaintiff, if any, was privileged and justified.

**FIFTH DEFENSE**

Equifax has complied with the provisions of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, in its handling of Plaintiff's credit files.

**SIXTH DEFENSE**

Plaintiff's complaint seeks the imposition of punitive damages. Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: BMW v. Gore, 517 U.S. 559 (1996); Cooper Indus., Inc. v. Leatherman Tool Group, Inc., 532 U.S. 923 (2001) and State Farm v. Campbell, 538 U.S. 408 (2003).

**SEVENTH DEFENSE**

Plaintiff's damages, if any, were not caused by Equifax; but rather, they were caused by another person or entity for whom or for which Equifax is not responsible.

**EIGHTH DEFENSE**

Equifax reserves the right to have additional defenses that it learns of through the course of discovery.

**WHEREFORE**, having fully answered or otherwise responded to the allegations contained in Plaintiff's Complaint, Equifax prays that:

(1) Plaintiff's Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiff;

(2) That Equifax be dismissed as a party to this action;

(3) That this lawsuit be deemed frivolous and Equifax recover from plaintiff its expenses of litigation, including but not limited to attorneys' fees pursuant to 15 U.S.C. § 1681n(c) and 15 U.S.C. § 1681o(b); and

(4) That Equifax recover such other and additional relief, as the Court deems just and appropriate.

DATED this 10<sup>th</sup> day of June, 2011.

**Snell & Wilmer L.L.P.**

/s/ Stewart O. Peay  
Mark O. Morris  
Stewart O. Peay  
*Attorneys for Defendant Equifax  
Information Service, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of June, 2011, a true and correct copy of the foregoing was served via the Court's ECF system upon the following:

Brian W. Steffensen  
Steffensen Law Office  
448 East 400 South  
Suite 100  
Salt Lake City, UT 84111

/s/ Stewart O. Peay